

FILED

IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.



AUG 2 2005



P.M. _____
TIME A.M. _____

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

X

SELMA DUNDAR,

JUDGMENT
04-CV- 3217 (CBA)

Plaintiff,

-against-

JO ANNE B. BARNHART,
Commissioner of Social Security,

Defendant.

X

An Order of Honorable Carol Bagley Amon, United States District Judge, been filed on August 1, 2005, granting in part and denying in party defendant's motion for judgment on the pleadings; denying plaintiff's cross-motion for judgment on the pleadings; affirming the Commissioner's denial of Social Security Income ("SSI") prior to March 25, 1999, as is the Commissioner's denial of Disability Insurance Benefits ("DIB") during any period for which such benefits are claimed; and directing that with regard to plaintiff's remaining claim for Social Security Income benefits during the period beginning March 25, 1999 and ending December 31, 1999, the case is remanded for further findings on the effect of plaintiff's obesity on her capacity to perform sedentary work during that period; it is

JUDGMENT
04-CV- 3217 (CBA)

ORDERED and ADJUDGED that defendant's motion for judgment on the pleadings is granted in part and denied in part; that plaintiff's cross-motion for judgment on the pleadings is denied; that the Commissioner's denial of Social Security Income ("SSI") prior to March 25, 1999, as is the Commissioner's denial of Disability Insurance Benefits ("DIB") during any period for which such benefits are claimed is affirmed; and that with regard to plaintiff's remaining claim for Social Security Income benefits during the period beginning March 25, 1999 and ending December 31, 1999, the case is remanded for further findings on the effect of plaintiff's obesity on her capacity to perform sedentary work during that period.

Dated: Brooklyn, New York
August 01, 2005


ROBERT C. HEINEMANN
Clerk of Court